IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.5226 OF 2005
IN
CRIMINAL APPEAL NO.760 OF 2005

1) Buwa @ Sadashiv Shamsunder Maker
2) Bhanya alias Bhanudas Chandar Makar ..Applicants

Vs.

State of Maharashtra ..Respondents

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Mr.Milind Deshmukh Advocate for Applicants
Mr.S.R.Shinde, A.P.P. for the State

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CORAM: SMT.V.K.TAHILRAMANI,J.
DATE : SEPT. 14,2005

P.C.

1. Heard the learned advocate for the applicants and the learned A.P.P. for the State.

2. The learned advocate for the applicants states that he is not pressing the application as far as applicant no.1 Buwa @ Sadashiv Shamsundar Maker is concerned at this stage and he seeks liberty to file a fresh application annexing evidence of all

the relevant witnesses. Liberty as prayed for is granted. Hence, this application is being considered only in respect of applicant no.2 Bhanya alias Bhanudas Chandar Makar.

3. The applicant no.2 Bhanya alias Bhanudas Chandar Maker has been convicted under Sections 353 and 332 of IPC. The applicant no.2 is seeking bail. The maximum sentence imposed on the applicant no.2 is two years. The learned advocate for the applicant no.2 has pointed out that the applicant was on bail pending trial and he has not misused the liberty granted to him. This statement is not controverted by the prosecution. The learned advocate for the applicant has further submitted that sentence imposed on the applicant is only two years and the appeal preferred by the applicant is not likely to be heard and disposed of within the period of three years.

4. The Supreme Court in the case of **Bhagwan Rama Gosai and Ors. Vs. State of Gujarat** reported in **(1999) 4 SCC 421,** has observed that if the sentence is of limited duration and the appeal cannot be

heard expeditiously, then bail should be granted. It is not possible to hear the present appeal expeditiously. In view of all the facts and circumstances, I am inclined to grant bail.

5. The applicant no.2 Bhanya alias Bhanudas Chandar Makar to be released on bail in the sum of Rs.20,000/- with one or two sureties to make up that amount. The applicant shall report to Yawat Police Station on last Sunday of every month during the pendency of appeal.

6. Application is disposed of.

[V.K.TAHILRAMANI,J.]